



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW

Memorandum

To: Members of the AELR Committee
Standing Committee Chairs

From: Marie H. Razulis, AELR Committee Counsel
George H. Butler, Jr., AELR Committee Counsel
Crystal L. Lemieux, AELR Committee Counsel

Date: March 25, 2016

Re: **Synopses of Regulations received from 3/11/2016 through 3/24/2016**

Enclosed please find synopses of regulations received by the AELR Committee during the weeks noted above.

The Office of Policy Analysis prepares analyses of the regulations to determine if there are any problem areas, to ensure that the regulations comply with statutory authority and legislative intent, and to assess the fiscal impact of the regulations. If any regulation is of particular interest to you, please feel free to contact us at 410-946-5350 and we will supply you with a copy of the regulation along with the legal and fiscal analysis.

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cc: Victoria L. Gruber
Alexandra M. Hughes

Assessments and Taxation, Department of

Proposed Regulations

DLS Control No. 16-043

Department of Assessments and Taxation:

Uniform Commercial Code:

General Provisions: COMAR 18.14.01.04, .06., 07

UCC Information Management System: COMAR 18.14.03.03

According to the department, the purpose of this action is to (1) eliminate delivery by facsimile as a method to file Uniform Commercial Code (UCC) records; (2) establish the file time for a UCC record delivered by electronic transmission; (3) remove reference to a filing fee already covered by statute in § 9-525 of the Commercial Law Article; and (4) eliminate cash as a method of paying for UCC fees.

Health and Mental Hygiene, Department of

Proposed Regulations

DLS Control No. 16-032

Department of Health and Mental Hygiene:

Medical Care Programs:

Nurse Practitioner Services: COMAR 10.09.01.06

Physicians' Services: COMAR 10.09.02.07

Home Health Services: COMAR 10.09.04.07

Dental Services: COMAR 10.09.05.07

Freestanding Clinics: COMAR 10.09.08.07 and .10

Medical Laboratories: COMAR 10.09.09.07

Disposable Medical Supplies and Durable Medical Equipment: COMAR 10.09.12.07

Vision Care Services: COMAR 10.09.14.07

Podiatry Services: COMAR 10.09.15.07

Physical Therapy Services: COMAR 10.09.17.06

Oxygen and Related Respiratory Equipment Services: COMAR 10.09.18.07

Nurse Midwife Services: COMAR 10.09.21.07

Free-Standing Dialysis Facility Services: COMAR 10.09.22.07

Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Services:

COMAR 10.09.23.05

Home Care for Disabled Children Under a Model Waiver: COMAR 10.09.27.06

Residential Treatment Center Services: COMAR 10.09.29.07

Therapeutic Behavioral Services: COMAR 10.09.34.04

Nurse Anesthetist Services: COMAR 10.09.39.06

Free-Standing Medicare-Certified Ambulatory Surgical Centers:

COMAR 10.09.42.06

Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Audiology

Services: COMAR 10.09.51.07

Service Coordination for Children with Disabilities: COMAR 10.09.52.06

Home/Community Based Services Waiver for Older Adults: COMAR 10.09.54.22

Urgent Care Centers: COMAR 10.09.77.06

Increased Community Services (ICS) Program: COMAR 10.09.81.40 and .41

Provider-Based Outpatient Oncology Facilities: COMAR 10.09.82.06

Free-Standing Independent Diagnostic Testing Facilities: COMAR 10.09.87.07

Portable X-ray Providers: COMAR 10.09.88.07

Intensive Behavioral Health Services for Children, Youth, and Families:

COMAR 10.09.89.15

According to the department, the purpose of this action is to update language regarding the previous limitation prohibiting providers from billing Medicaid for services provided free of charge to other patients. This language aligns with a recent federal policy clarification on “Free Care Policy.”

Proposed Regulations

DLS Control No. 16-036

Department of Health and Mental Hygiene:

Hospitals:

Acute General Hospitals and Special Hospitals: COMAR 10.07.01.02, .03 and .30

According to the department, the purpose of this action is to update the 2006 incorporation by reference document regarding architectural guidelines for hospitals and outpatient facilities to the 2014 edition and to adopt a separate regulation regarding physical environment requirements.

Proposed Regulation

DLS Control No. 16-042

Department of Health and Mental Hygiene:

Medical Care Programs:

Medical Assistance Eligibility: COMAR 10.09.24.08-2

According to the department, the purpose of this action is to update the Special Needs Trust provision to clarify that it is no more restrictive than federal law, as required by § 14.5-1002 of the Estates and Trusts Article. This proposal will make it easier to submit and process Medical Assistance long-term care (MALTC) applications.

Natural Resources, Department of

Proposed Regulations

DLS Control No. 16-033

Department of Natural Resources:

Wildlife:

Reptile and Amphibian Possession and Permits: COMAR 08.03.11.02

Reptile and Amphibian Possession and Permits: COMAR 08.03.11.16

According to the department, the purpose of this action is to provide protection for native amphibians and reptiles from becoming infected with known disease vectors in the course of organized competitions. Emerging infectious viral diseases, such as Ranavirus species, are one of the most important factors contributing to global amphibian declines. This disease, which also affects reptiles, is characterized by rapid onset and mortality. Ranavirus has been confirmed in Maryland to date in eastern box turtle, wood frog, spotted salamander, spring peeper, Cope's grey treefrog, eastern spadefoot, northern green frog, American bullfrog, and painted turtle. Recent studies show that die-offs of amphibians and reptiles due to Ranavirus are increasing in the state and in the region. Given the increased prevalence of this disease and demonstrated impacts, measures are warranted to reduce the risk of Ranavirus and other infectious diseases for Maryland's native amphibians and reptiles.

Regulation .16 is proposed to be added to prevent the transmission of Ranavirus and other infectious diseases to native animal populations by preventing exposure to potentially infected

animals during the course of competitions such as turtle derbies, turtle races, and frog-jumping contests. Regulation .02 is amended to specifically define competitions for the purposes of COMAR 08.03.11. Competitions using non-native amphibians and reptiles are not prohibited by these regulations.

Environment, Department of the

Proposed Regulation

DLS Control No. 16-041

Department of the Environment:

Regulation of Water Supply, Sewage Disposal, and Solid Waste:

Quality of Drinking Water in Maryland:

COMAR 26.04.01.01.01-1, .03, .04, .10-.11-2, .15-2, .19, .20, .20-2 .2

According to the department, the purpose of this action is to adopt federal regulations under the Safe Drinking Water Act for the Revised Total Coliform Rule (RTCR), which were finalized by EPA in February 2013, and to adopt a minor revision to the Stage 2 Disinfection Byproduct Rule monitoring requirements (COMAR 26.04.01.15-2).

Transportation, Department of

Proposed Regulations

DLS Control No. 16-040

Department of Transportation:

Motor Vehicle Administration--Vehicle Registration:

Apportioned Registration of Fleet Vehicles:

COMAR 11.15.22.03, .04, .05, .07 and .09 - .173.

According to the department, the purpose of this action is to update and clarify regulations and procedures in the implementation of the International Registration Plan (IRP) entered into with other jurisdictions for the registration of fleets of vehicles on an apportioned basis as authorized by Transportation Article 12-406, Annotated Code of Maryland.

Higher Education Commission, Maryland

Proposed Regulation

DLS Control No. 16-034

Maryland Higher Education Commission:

General Education and Transfer:

Public Institutions of Higher Education: COMAR 13B.06.01.03

According to the commission, the purpose of this action is to amend general education requirements for public institutions of higher education operating in Maryland.

Lottery and Gaming Control Agency, Maryland State

Proposed Regulation

DLS Control No. 16-035

Maryland State Lottery and Gaming Control Agency:

Gaming Provisions:

Investigation and Licensing: COMAR 36.03.02.17

According to the agency, the purpose of this action is to (1) clarify that if a video lottery operator purchases goods or services from a vendor solely so that those goods or services may be given to a player, that vendor is exempt from vendor registration or certification requirements and (2) require that an operator purchasing goods or services from an exempted vendor include in its reports under COMAR 36.03.10.09 the name of each exempted vendor it uses.

Public Service Commission

Proposed Regulation

DLS Control No. 16-037

Public Service Commission:

Dispute Procedures:

Dispute Regulations: COMAR 20.32.01.01, .02, .03, .04

According to the commission, the purpose of this action is to assign disputes involving Subscriber organizations of registered community solar energy generating systems to the dispute resolution process of the Commission's Office of External Relations.

Proposed Regulation

DLS Control No. 16-038

Public Service Commission:

Service Supplied by Electric Companies:

Net Metering: COMAR 20.50.10.07

According to the commission, the purpose of this action is to clarify the types of customers eligible for aggregate net metering.

Proposed Regulations

DLS Control No. 16-039

Public Service Commission:

Community Solar Energy Generation Systems:

General: COMAR 20.62.01.01, .02, .03, and .04

Pilot Program: COMAR 20.62.02.01, - .11

Pilot Program Administration:

COMAR 20.62.03.01, .02, .03, .04, .05, .06, .07, and .08

Pilot Program Study: COMAR 20.62.04.01, .02, and .03

Consumer Protection: COMAR 20.62.05.01, -.20

According to the commission, the purpose of this action is to establish the framework for a pilot program under Public Utilities Article, §§ 7-306.1 and 7.306.2, Annotated Code of Maryland. The Pilot Program is designed to make solar energy available to electric customers throughout Maryland through subscriptions to community solar energy generating systems. Chapter .01 provides for the scope of the Program, applicable definitions, compliance by electric companies, and a waiver for good cause. Chapter .02 establishes the Program's capacity limits, annual cap, and program categories. Chapter .02 also sets out the duties of Subscriber organizations and the manner in which participating electric customers will be compensated. Chapter .03 provides for the administration of the Program including the application process for eligible community solar energy generating systems. Chapter .04 addresses the data to be collected for purposes of the Pilot Program Study. Chapter .05 addresses issues involving transactions between Subscriber organizations and customers subscribing to those organizations.